



# UNITED STATES PATENT AND TRADEMARK OFFICE

MW

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,467	09/06/2001	William W. Rowley	39288-0112	4181

24115 7590 02/05/2004

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP  
50 S. MAIN STREET  
AKRON, OH 44308

EXAMINER
----------

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/682,467

Applicant(s)

ROWLEY, WILLIAM W.

Examiner

Eric K Nicholson

Art Unit

3679

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-34 is/are pending in the application.
- 4a) Of the above claim(s) 19-34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-18 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

The amendment to reinstate claims 2 and 3 is improper. The claims may be reinstated however they must be presented with a new claim number. See 37 CFR 1.121 "Manner of making amendments in applications" wherein it states: (2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Claim Rejections -35 USC § 112

Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 depends from cancelled claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art

are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,422,606 to Halstead in view of U.S. patent 3,338,598 to Kurtz. Halstead discloses the claimed invention of a connector for liquids with an inner polymeric liner 24 at both ends of the connector having a flare end and a bore (fig. 1a), a bendable outer metallic sleeve 12, (column 2, line 60) having a flared end of similar geometry to the liner flared end and a threaded nut 14 with a sealing washer 44 located therein at both ends which includes a shelf that contactingly engages the flared ends of the metal sleeve, (fig. 1a). However the liner of the Halstead patent does not extend through the entire length of the metal tubing, only offering protection at the connected ends. Kurtz gives evidence to the fact that it is well known in the art to provide fluid connectors with protective liners extending through the entire length of the tube to be protected. See figs. 3 and 4 of Kurtz. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct liner of Halstead to extend through the entire

flexible metal tubing such as taught by Kurtz in order to provide added protection and shielding to the complete tubing structure.

Claims 5-7 and 9-11 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. patent 6,422,606 to Halstead in view of U.S. patent 3,338,598 to Kurtz as applied to claims 1 and 8 above, and further in view of U.S. patent 3,743,328 to Longfellow. The combination of Halstead and Kurtz discloses the claimed device as noted above, including washers 44 as taught by Halstead as pertains to claims 7,10 and 11. However, for the particular structure sleeve having ribs. Longfellow discloses that it is known in the art to provide a similar type coupling (a flexible, ribbed, lined connector with flared ends connected via threaded nuts) with well known ribs 21 to aid in the connecting line to be durably flexible. Ribbed or corrugated connection tubes are known in the art to aid in connecting between two fixed objects where the corrugations add flexibility to the connection line to enable the objects to be connected if the objects being connected happen to be out of alignment with each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bendable fluid connection line of Halstead with the ribs or corrugations as taught

by Longfellow, in order to allow for increased flexibility and durability of the connection line should the objects being connected be out of alignment.

Allowable Subject Matter

Claims 12-18 are allowable over the prior art of record.

This application contains claims 19-34 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened

Art Unit: 3679

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

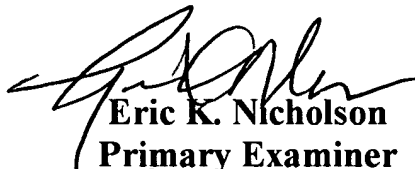
#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

ekn  
1/30/04  
W@H

  
**Eric K. Nicholson**  
**Primary Examiner**  
**Technology Center 3600**